

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HARVEY-WASHBURN SALES, INC.
d/b/a ALL AMERICAN BUICK,
PONTIAC, GMC

vs.

GENERAL MOTORS CORPORATION
AND GENERAL MOTORS
ACCEPTANCE CORPORATION

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CASE NO. 2:09-CV-76-TJW-CE

ORDER

The above-titled and numbered civil action was referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge (Dkt. No. 24), which contains his recommendation that the court deny the defendants' motion to dismiss (Dkt. No. 12) and amended motion to dismiss (Dkt. No. 13), has been presented for consideration. No objections were filed to the report and recommendation. The court is of the opinion that the conclusions of the Magistrate Judge are correct. Therefore, the court hereby adopts the report of the United States Magistrate Judge as the conclusions of this court. Accordingly, the defendants' motions to dismiss are DENIED without prejudice to refiling after the court lifts the stay in this case.

SIGNED this 16th day of March, 2010.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE